

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

SHELDON PIERCE,

Petitioner,

v.

CASE NO. 2:05-CV-392
JUDGE SARGUS
MAGISTRATE JUDGE KING

PAT HURLEY, WARDEN,
ROSS CORRECTIONAL INSTITUTION,

Respondent.

OPINION AND ORDER

On January 18, 2006, the Magistrate Judge issued a *Report and Recommendation* recommending that the instant petition for a writ of habeas corpus pursuant to 28 U.S.C. §2254 be dismissed as unexhausted. Petitioner has filed objections to the Magistrate Judge's *Report and Recommendation*. Petitioner has no objection to the dismissal of claims three, five, and six. Petitioner raises all of the same arguments that were previously presented.

Pursuant to 28 U.S.C. 636(b)(1), this Court has conducted a *de novo* review of those portions of the *Report and Recommendation* objected to. For the reasons discussed in the Magistrate Judge's *Report and Recommendation*, petitioner's objections are **OVERRULED**.

The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED**.

IT IS SO ORDERED.

 4-24-2006
EDMUND A. SARGUS, JR.
United States District Judge